GOVERNMENT OF INDIA
ENVIRONMENT AND FORESTS
LOK SABHA

UNSTARRED QUESTION NO:1091
ANSWERED ON:25.11.2002
PENALTY UNDER WILDLIFE PROTECTION ACT
SURESH CHANDEL

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) the provisions laid down for levying penalty for the crimes committed against Wildlife;

(b) whether the Government propose to increase the fine/punishment under the Wildlife (Protection) Act, 1972 to discourage people from committing such crimes;

(c) if so, the details thereof;

(d) whether some State Governments have also proposed to raise the fine/punishment for such crimes; and

(e) if so, the details thereof?

Answer

MINISTER OF ENVIRONMENT AND FORESTS (SHRI T.R. BAALU)

(a) to (e): Penalties for crime against wildlife are imposed as per the provisions of Section 51 of the Wildlife (Protection) Act, 1972. The Wildlife (Protection) Amendment Bill, 2002 which, inter-alia, seeks to enhance the amount of fine/punishment has been introduced in the Rajya Sabha on 20th November, 2002. The proposed amendments relating to enhancement of fine/punishment have been made in consultation with the State Governments.

ANNEXURE REFERRED TO IN REPLY TO PART (a) OF THE LOK SABHA UNSTARRED QUESTION NO. 1091 FOR 25.11
REGARDING PENALTY UNDER WILDLIFE (PROTECTION) ACT, 1972
Section 51 Penalties
(1) Any person who {contravenes any provision of this Act except Chapter V A) and section 38J or any rule or order made thereunder or who commits a breach of any of the conditions of any of the conditions of any licence or permit granted under this Act, shall be guilty of an offence against this Act, and shall, on conviction, be punishable with imprisonment for a term which may extend three years or with fine which may extend to twenty five thousand rupees, or with both.

Provided that where the offence committed in relation to any wild animal specified in Schedule I or Part II of Schedule II, or meat of any such animal, animal article, trophy, or uncured trophy derived from such animal or where offence relate to hunting or altering the boundaries of a sanctuary or a National Park, such offence shall be punishable with imprisonment for a term which shall not be less than one year but may extend to six years and also with fine which shall not be less than five thousand rupees.

Provided further that in case of a second or subsequent offence of the nature mentioned in this sub-section, the term of imprisonment may extend to six years and shall not be less than two years and the amount of fine shall not be less than ten thousand rupees.

(1-A) Any person who contravenes any provisions of Chapter V-A shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and also with fine which shall not be less than five thousand rupees.

(1-B) Any person who contravenes the provisions of Section 38-J shall be punishable with imprisonment for a term which may extens to six months or with fine which may extend to two thousand rupees, or with both.

Provided that in case of second or subsequent offence the term of imprisonment may extend to one year or the fine may extend to five thousand rupees;

(2) When any person is convicted of an offence against this Act, the court trying the offence may order that any captive animal, wild animal, animal article, trophy uncured trophy, meat, ivory imported into India or an article made from such ivory, any specified plant or part of derivative thereof in respect of which the offence has been committed, any trap, tool, vehicle, vessel, or weapon used in the commission of the said offence be forfeited to the State Government and they any licence or permit, held by such person under the provisions of this Act, be cancelled.

(3) Such cancellation of licence or permit or such forfeiture shall be in addition to any other punishment that may be awarded for such offence.

(4) Where any person is convicted of an offence against this Act, the Court may direct that the licence, if any, granted to such person under the Arms Act, 1959 (54 of 1959) for possession of any arm with which an offence against this Act has been committed, shall be cancelled, and that such person shall not be eligible for a licence under the Arms Act, 1959, for a period of five years from the date of conviction.

(5) Nothing contained in Section 360 of the code of criminal procedure, 1973 or in probation of offenders Act, 1958 shall apply to a person convicted of an offence with respect to hunting in a sanctuary or a National park or of an offence against any provision of Chapter V-A unless such person is under eighteen years of age.